

III. REMARKS

1. Claims 1-26 are pending. Claims 1 and 12 are amended to re-order the presentation of features in the claim for clarification and ease of understanding. No new features are added.
2. Claims 1-26 are patentable under 35 USC 102(e) over Jaisimha et al., US Patent No. 6,487,663 (hereinafter "Jaisimha"). Jaisimha does not disclose or suggest presenting information contained in "user messages" in a user interface of a multimedia terminal as recited in claim 1. Rather, Jaisimha only discloses transmitting a media file over a network by accessing a web page including a hyperlink. Jaisimha fetches a web page to access a media object, while Applicant claims presenting information contained in a user message. A message is not a web page.

In Jaisimha, a user accesses a media file via the Internet (Col. 6, L. 15-16). The user accesses the media file by opening a web page and accessing the download hyperlink 310 (Col. 6, L. 17-33). The media files are created in a particular configuration (See e.g. Col. 8, L. 37-43 and Col. 9, L. 56 to Col. 10, L. 3).

Once the file is configured, a web page is created having a hyperlink that references the particular file (Col. 10, L. 4-12). A user can access the web page having the hyperlink and the user's browser will interpret the hyperlink (Col. 10, L. 13-22). The web browser then communicates with the media player (Col. 10, L. 24-34). Jaisimha does not disclose a "user message" as claimed by Applicant.

Another example in Jaisimha is shown with respect to Figure 8A for "transmitting a media object". The user accesses the web page with the hyperlink (Col. 10, L. 38-40). The web browser requests the web page and the web server transmits the web page to the web browser (Col. 10, L. 44-48). The web browser displays the web page and the user clicks on the hyperlink for the media object (Col. 10, L. 49-53). The web server then transmits the file associated with the hyperlink to the web browser (Col. 10, L. 54-57). The web browser identifies the media type and launches the player (Col. 10, L.

58-67). The media player and media server can execute an authentication routine (Col. 11, L. 3 to Col. 12, L. 42).

Again, while Jaisimha allows for a media object to be accessed over the Internet, there is no disclosure or suggestion in Jaisimha related to "presenting information" contained in "user messages" of a multimedia terminal. All of the examples in Jaisimha clearly relate only to opening a web browser and web page, and activating a hyperlink to the media object. The selection and activation of the hyperlink cannot be reasonably interpreted as a multimedia "user message" as recited in Applicant's claim 1. Nor can the media files 106 stored on the media server 102 be reasonably considered as a "user message" as doing so would interpret any video file, sound file, or any other media file stored on a computer readable medium without more as being a user message. The media files 106 of Jaisimha are nothing more than files stored on a media server that are downloaded upon request. There is no disclosure of, nor any discussion related to "user messages" as described and claimed by Applicant.

The Examiner cites to Figure 3 and column 9, lines 56-57 as disclosing the claimed feature of "user messages." However, as noted above, Figure 3 only shows how one accesses a media object across the Internet. Column 9, lines 56-57 discusses how a user creates a "file having an extension of '.ram'." The ".ram" file described at column 9, lines 56-67 of Jaisimha cannot reasonably be considered as a "user message" as asserted by the Examiner either. The ".ram" file is merely a file that is created in the system of Jaisimha to specify which transfer protocol (i.e. streaming or FTRRD) that the media file "foo.rm" can be downloaded by. Nowhere is this ".ram" file disclosed or suggested by Jaisimha to be a "user message". There is simply no discussion of "user messages" in Jaisimha as claimed by Applicant.

Claim 1 also recites that the user message comprises address data indicative of a recipient of the user message. This feature is not disclosed or suggested in Jaisimha. The Examiner refers to the portion of Jaisimha at column 8, L. 46-50 that states "[i]n the context of the Internet, a port is a numerical identifier normally provided with an IP

address which is used by TCP/IP (transmission control protocol/internet protocol) to direct data to a particular application.” This is not the same as an address indicative of a recipient of a user message. The IP address here is used to direct data to a particular application. The user has to configure the web server 306. The web server 306 has a configuration file that includes a “broadcast port” specification. (Col. 8, L. 37-43). This is the port through which the “web server 306 transmits information to and receives information from the Internet.” (Col. 8, L. 43-46). The port allows data to be directed to a particular application. This is not the same as a “recipient” of a “user message” or “address data” indicative of a recipient of a “user message” as described and claimed by Applicant. In Jaisimha the port number is used for directing data to an application and nothing more. It should also be noted that Jaisimha clearly states that this port data is in the “context of the Internet” and makes no mention of a messaging application or the user message as described and claimed by Applicant.

Claim 1 also recites that the user message is transmitted to the multimedia terminal in a multimedia messaging system. This feature is not disclosed or suggested in Jaisimha.

A multimedia messaging service or system as known in the art may be defined as a standard for telephony messaging systems that allows sending messages that include multimedia objects (images, audio, video, rich text) and not just text as in, for example, a short messaging service (SMS). It is mainly deployed in cellular networks along with other messaging systems like SMS, mobile instant messaging and Mobile e-mail. Its main standardization effort is done by 3GPP, 3GPP2 and Open Mobile Alliance (OMA). Nowhere is this disclosed or suggested in Jaisimha, which merely discloses downloading linked data over the Internet.

Jaisimha merely discloses accessing data files using a streaming transmission protocol 112 or a faster than real time reliable download (FTRRD) transmission protocol (Col. 4, L. 66 – Col. 5, L. 29). In Jaisimha the data or media object 106 to be accessed is stored in a media storage 104 on a first computer 202 that is running media server 102 software. A second computer 206 executes media player software of a web browser for

requesting and receiving the media objects 106. This is not the same as the user message that is transmitted in a multimedia messaging system recited in Applicant's claim 1.

Further, Jaisimha discloses that "[a] media server 102 accesses a media storage 104 to obtain media data representing a media object 106 such as, for example, a video clip, audio clip, or graphical image. The media server 102 transmits the media data via a network 108 to media receiving devices." (Col. 4, L. 36-47). The Examiner appears to be ignoring that the media server accesses a media storage to obtain the media data which further emphasises the fact that Jaisimha does not disclose or suggest a "user message" is transmitted to the multimedia terminal in a "multimedia messaging system" as described and claimed by Applicant.

The media object transfer in Jaisimha is nothing more than a file download that is requested by selecting a hyperlink 308, 310 on a web page 304 and downloading the file over the internet 204 using either the streaming transmission protocol or the FTRRD protocol (Col. 6, L. 15-33). When the hyperlink in Jaisimha is activated, a web server sends a URL referencing the media file 106 to the web browser. The web browser passes the URL to the media player on the second computer 206. The media player requests the media file 106 from a media server 102. The media server 102 transmits the header 402 of the media file 106, and the media player extracts the access code to determine whether the media file may be transmitted according to the desired type of transmission (i.e. streaming transmission protocol or FTRRD protocol). If the media file 106 can be transmitted by either of the streaming or the FTRRD protocol the media server 102 transmits the media file 106 using the desired type of transmission, and the media player renders the media data 404 into video, sound or image signals. (Abstract; e.g. Col. 9, L. 1- Col. 10, L. 34). There is absolutely no disclosure or suggestion of a "user message" or the transmission of a "user message" over a "multimedia messaging system" in Jaisimha as the Examiner suggests. There is only a standard generalized markup language (SGML) string that is presented on the users display in Jaisimha in

the form of a hyperlink as can clearly be seen at column 7, lines 2-25 and nothing more.

Moreover, should there be a “user message” transmitted in Jaisimha (which the Applicant maintains there is not), the media file in Jaisimha is not disclosed as being transferred with any message. Jaisimha is merely sending a text-only message in the form of a hyperlink and nothing more. The media file is not transmitted unless the hyperlink in Jaisimha is selected (i.e. Jaisimha requires additional actions by the user after receiving the message in order to receive the media file). Thus, Jaisimha discloses only sending text to a user’s display in the form of a hyperlink on a web page and nothing more.

Applicant’s claim 1 also recites that the user message comprises at least one multimedia component. Nowhere is this disclosed in Jaisimha. All that Jaisimha discloses is that ‘[a] computer readable storage 312, which is accessible by the web server 306, includes a media object called ‘foo.rm’ 318. The computer readable storage 312 also includes a foo1.ram file 314 and a foo2.ram file 316, both of which reference the foo.rm media object 318. The foo1.ram file 314 includes a URL of ‘pnm://www.content.com/foo.rm?mobileplayback=‘1’.’ The foo2.ram file 316 includes a reference to a URL of ‘pnm://www.content.com/foo.rm’. As will be immediately appreciated by those of ordinary skill in the art, the ‘pnm://’ portion of the URL indicates a particular protocol. In one embodiment of the present invention, ‘pnm’ refers to a flow control protocol used to transmit data of a media object 106.” In Jaisimha the media object 106 is transferred only after the hyperlink is activated or selected. Jaisimha does not disclose or suggest a user message comprising any kind of a media object.

In Jaisimha “the web server 502 transmits the content of a ‘.ram’ file, the content being a URL referencing a file of MIME type RM (e.g., a file called ‘foo.rm’), in response to a user request, and the web server 502 expects that the media player 506 will receive and process the URL.” (Col. 9, L. 1-6). This is further evidence that the media object is

not transmitted in a "user message", as if it were the user would have simply clicked on the media object in the message. The media object would not have to be retrieved using a URL in response to a user request as disclosed in Jaisimha if it were transmitted in a "user message" over a multimedia messaging system as recited in Applicant's claim 1.

Claim 1 also recites that a presentation model is formed to contain information related to at least one multimedia component included in the user message, said presentation model is supplemented with a reference to the location of data in said user message related to presenting the at least one multimedia component included in the user message. This is simply not disclosed or suggested by Jaisimha. The Examiner asserts these features are disclosed at column 7, lines 1-25 of Jaisimha. However this cited section of Jaisimha merely recites the SMIL file which contains only text and nothing more. The SMIL file is not a "user message" that includes a "multimedia component". The SMIL file is merely a file that includes URL's and references, the actual media object is somewhere else (i.e. on a remote media server waiting to be downloaded).

There is simply no user message present in Jaisimha's disclosure. There's only a web page that the user browses to and if available the user clicks a hyperlink link on that web page. A content that is referenced by that the hyperlink is accessed and downloaded. There is absolutely no multimedia content that is delivered to the user in a "user message" as recited in Applicant's claims.

Furthermore, Jaisimha is not concerned with user messaging. Jaisimha states that "[t]he production and distribution of multimedia data, including video, audio and image data, is increasing at a phenomenal rate. Factors contributing to this explosion in the production and use of multimedia data include the growing popularity and capability of the Internet, the growing affordability of personal computers capable of efficiently processing multimedia data to provide a pleasing experience for users, as well as the fact that multimedia data is far superior to text-only data in conveying content-rich information naturally and intuitively. The great demand for multimedia data will only

increase" (Col. 1, L. 13-23). This passage clearly relates to a data access problem and does not address "user messaging" as does Applicant. In multimedia messaging systems the image data quality and data amount is limited, unlike the quality and transfer amounts that can be transmitted through the streaming and FTRRD protocols of Jaisimha. Jaisimha is directed to making it easier for people to access data files stored in remote computers using the Internet. Applicant's claims are directed to user messaging.

Other evidence that Jaisimha does not concern "user messages" or a "multimedia messaging system" as recited in Applicant's claim 1 can be found at column 2, lines 5-12 which recites "[a]s the demand for multimedia data grows, the multimedia content produced by content providers grows in value. Indeed, many content providers now charge a fee from users who wish to access their content. Content providers are increasingly concerned about the ways in which users are accessing the content and possible uses being made of the content. What content providers need is a convenient way of controlling the ways users can access media objects." This language in Jaisimha would tell the person skilled in the art of user messaging that Jaisimha is not a user messaging invention but a data accessing invention. In a multimedia messaging system a user sends a multimedia message to another user where the message includes the multimedia content. The user of a multimedia messaging system does not have to access the sender's file system in order to get the attachments (i.e. media files). This is directly contrary to what is disclosed in Jaisimha as the (alleged user message) recipient needs to activate a hyperlink in order to receive the media files.

Jaisimha also discloses at column 6, lines 24-30 that "[t]he web page 304 includes a download hyperlink 308 and a play hyperlink 310. The download hyperlink 308 has an associated URL of '<http://www.content.com/foo1.ram>'. As will be appreciated by those of ordinary skill in the art, the URL references a file called 'foo1.ram' on a web site having a domain name 'www.content.com' using the hypertext transport protocol ('http'). Similarly, the play hyperlink 310 has an associated URL of

'<http://www.content.com/foo2.ram>'. That URL references a file called 'foo2.ram' on a web site 'www.content.com'." As known by one skilled in the art that the URL references a file that is stored somewhere else such as on a web server and not in a "user message" as recited by Applicant.

Claims 12, 21, 22 and 26 are patentable for reasons that are substantially similar to those described above with respect to claim 1. Claims 2-11, 13-20 and 23-25 are patentable at least by reason of their respective dependencies.

Further, claim 3 recites that the multimedia message transmission system comprises a multimedia message service center, in which messages addressed to the multimedia terminal are received to be transmitted further to the multimedia terminal, and the presentation model is set up in the multimedia message service center. This feature is not disclosed in Figure 3 of Jaisimha as the Examiner suggests. All that Figure 3 discloses is the internet 204, a screen display 302 of a web page 304, a web server 306 and a computer readable storage 312 accessible by the web server 306 (See Col. 6, L. 15-53). There is absolutely no disclosure or suggestion in Jaisimha of a multimedia service center as recited in claim 3. Thus, claim 3 is patentable for this additional reason. This argument applies equally to claim 14.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

09/761,040
Response to the Office Action mailed May 14, 2007

Respectfully submitted,


Joseph V. Gamberdell, Jr.
Reg. No. 44,695

14 August 2007
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: 14 AUGUST 2007

Signature: Natalie Wang

Person Making Deposit